

Message Text

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72

ACTION DLOS-07

INFO OCT-01 NEA-14 ISO-00 AF-10 IO-14 ARA-16 EA-11 EUR-25

RSC-01 OIC-04 COA-02 EB-11 FEA-02 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 SWF-02 AGR-20

ACDA-19 AEC-11 CG-00 FMC-04 EPA-04 SCI-06 CEQ-02

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

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E.O. 11652: N/A

TAGS: PFOR, TS

SUBJECT: LAW OF THE SEA

REF: STATE 36434; TUNIS 2616

1. SUMMARY: IN MEETING MAY 8 WITH GOT REPRESENTATIVE AMBASSADOR KEDADI, TO DISCUSS UPCOMING LAW OF SEA CONFERENCE, KEDADI INFORMED AMBASSADOR THAT GOT DELEGATION POSITIONS WHICH GOT WILL TAKE ARE NOT RPT NOT FIRM. KEDADI REPORTED APPARENT EVOLUTION OF LDC POSITION ON STRAITS TRANSIT FORMULA AND INDICATED USG POSITION ON VOTING PROCEDURES NOT APPRECIATED AMONG LDC'S. HE SHARES USG BELIEF IN IMPORTANCE THAT CARACAS CONFERENCE SHOW SOLID RESULTS. HIS VALUE TO USG DELEGATION AS KNOWLEDGE-ABLE FRIEND MAY BE TEMPERED AT CARACAS BY HIS RESPONSIBILITIES AS CONFERENCE VICE PRESIDENT. END SUMMARY.

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2. AMBASSADOR AND LOS OFFICER CALLED MAY 8 ON AMB

KEDADI, GOT'S LOS EXPERT AT FOREIGN MINISTRY. IN PARTICULAR, DISCUSSION FOCUSSED ON QUESTIONS OF STRAITS AND TERRITORIAL SEA, COMPULSORY DISPUTES SETTLEMENT, AND VOTING PROCEDURES (WITH REGARD TO LATTER EMBOFFS HAD EALIER LEFT AIDE-MEMOIRE, TUNIS REFTEL).

3. KEDADI WAS ALREADY FULLY INFORMED AND UP TO DATE ON USG POSITIONS RE THESE AND OTHER LOS ISSUES. HE EXPRESSED VIEW THAT RECENT NAIROBI MEETING OF LDC'S HAD SEEN WHAT HE CONSIDERED MARKED EVOLUTION OF POSITION OF AT LEAST SOME MEMBERS OF 77 (HE MENTIONED, INTER ALIA, MOROCCO, EGYPT, YEMEN) ON STRAITS TRANSIT FORMULA. PROPOSAL WHICH THESE STATES HAD ACCEPTED, HE SAID, DROPPED USE OF "INNOCENT PASSAGE" FORMULA IN FAVOR OF ONE

WHICH CALLS FOR ESTABLISHMENT OF "OBJECTIVE CRITERIA" ON TYANSIT RIGHTS SO AS TO PROVIDE MAXIMUM FREEDOM

OF NAVIGATION, ON ONE HAND, WHILE PROTECTING ESSENTIAL INTERESTS OF STRAITS-RIPARIANS ON OTHER HAND. KEDADI FEELS IT PROMISING THAT EVEN STATES FORMERLY MOST COMMITTD TO "INNOCENT PASSAGE" ARE NOW WILLING TO CONSIDER NEW FORMULAE. HE HOPED THAT USG MIGHT, IN VIEW OF THIS, FIND WAYS TO DROP "INFLEXIBLE" PHRASEOLOGY ON FREE AND UNIMPEDED TRANSIT, AND ASSESS ACCEPTABILITY OF NEW APPROACH.

4. RE GOT'S OWN POSITION ON STRAITS, KEDADI SAID TUNISIA INCLINED ACT IN SOLIDARITY WITH OTHER DEVELOPING COUNTRIES. WE EMPHASIZED IMPORTANCE OF THIS ISSUE TO USG, WHICH KEDADI ACKNOWLEDGED.

5. COMPULSORY DISPUTES SETTLEMENT: KEDADI INDICATED OUR PROPOSALS WILL HAVE BROAD SUPPORT. IN ABSENCE OF FORMAL GOT POSITION, HOWEVER, HE APPEARED UNWILLING COMMIT GOT TO SUPPORT AND CO-SPONSOR USG DRAFTS.

6. VOTING PROCEDURES: KEDADI SAID THAT NON-ALIGNED STATES HAVE TROUBLE UNDERSTANDING WHY LOS VOTING SHOULD NOT FOLLOW ESTABLISHED INTERNATIONAL CONFERENCE FORMULA OF "THOSE LIMITED OFFICIAL USE

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PRESENT AND VOTING". HE HIMSELF WELL UNDERSTOOD OUR CONCERN THAT IMPORTANT PROVISIONS NOT BE PASSED BY, IN ESSENCE, A MONORITY VOTE; BUT HE ALSO UNDERSTOOD OTHER STATES' BELIEF THAT OUR FORMULA OF TWO-THIRDS OF THE STATES PARTICIPATING WOULD ENCOUNTER ABSENTEEISM, ESPECIALLY AMONG LESS WELL INFORMED OR LESS INTERESTED DELEGATIONS, AND THEREBY BLOCK PROGRESS TOWARD OVERALL AGREEMENT. HE OPINED USG HAS MUCH MISSIONARY WORK TO DO

TO CARRY DAY ON THIS ISSUE, BUT SAID MATTER WOULD SURFACE BEFORE CARACAS AT WEEK-LONG PRELIMINARY MEETING IN NEW YORK.

7. TWO HUNDRED MILE ECONOMIC ZONE: GOT COULD HARDLY, SAID KEDADI, PLAY ADVOCATE FOR 200 MILE ZONE, GIVEN THE IMPOSSIBILITY OF TUNISIA'S HAVING SO BROAD A ZONE HERSELF. HERE AGAIN GOT'S VIEW WOULD TEND TOWARDS ACCOMMODATION TO POSITIONS OF OTHER DEVELOPING STATES, ARAB STATES, OR MEDITERRANEAN STATES. GOT AS OF NOW HAS NO FIRM POSITION. KEDADI THOUGHT IT LIKELY THAT QUESTION OF FISHERIES WITHIN ECONOMIC ZONE WOULD EVENTUALLY FALL OUT OF LOS AND HE COVERED BY SEPARATE FISHERIES RESOURCES CONVENTION.

8. COMPOSITION OF TUNISIAN DELEGATION FOR CARACAS STILL NOT DECIDED, AND KEDADI PRESENTLY ASSURING THAT ALL GOT AGENCIES AND INTERESTS CONCERNED ARE CONSULTED. AS CONFERENCE VICE-PRESIDENT, KEDADI IS HIMSELF RELUCTANT TO WEAR SECOND HAT AS DELEGATION HEAD, AND HE THINKS IT POSSIBLE GOT WILL DESIGNATE MINISTERIAL-LEVEL CHIEF DEL. HE COULD GIVE US NO USEFUL GUIDANCE AT THIS TIME RE CONTACTS WITH GOT DELEGATION, THOUGH HE WAS SURE SUCH CONTACTS WOULD BE WELCOME.

9. PROPOSECTS FOR SUCCESS: KEDADI SAID THAT HE IS NEITHER PESSIMISTIC NOR OPTIMISTIC. HE WOULD TAKE GREAT SATISFACTION IF CARACAS CONFERENCE WERE SUCCESSFUL. STILL HE ACKNOELEDGED PROBLEMS: THERE ARE MANY COUNTRIES INVOLVED FOR WHOM LOS IS VERY NEW AND UNFAMILIAR, AND THE ISSUES ARE VERY DIVERSE AND COMPLEX.

10. COMMENT: THERE IS LITTLE NEW IN KEDADI'S STATEMENTS, THOUGH ADDRESSEES MAY FIND HIS REFERENCE TO NAIROBI LIMITED OFFICIAL USE

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MEETING HELPFUL. KEDADI OBVIOUSLY WISHES TO WORK CLOSELY WITH USG BUT GOT DESIRE MAINTAIN SOLIDARITY WITH LDC'S ON NUMBER OF ISSUES MAY BE OVERRIDING. ONE CAN SENSE THAT KEDADI, AS CONFERENCE OFFICIAL, FEELS A COMMITMENT TO THTL "INTERNATIONAL COMMUNITY". WE BELIEVE THAT AMBASSADOR'S PRESENTATION, HIGHLIGHTING IMPORTANCE USG ATTACHES TO SUCCESS OF CONFERENCE AND TO CERTAIN ISSUES IN PARTICULAR, MAY BE marginally HELPFUL.

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